

HOUSE JOURNAL

SEVENTY-SEVENTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TWELFTH DAY — WEDNESDAY, JANUARY 31, 2001

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 12).

Present — Mr. Speaker; Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Geren; Kuempel; Tillery.

The invocation was offered by Gaylon Clark, pastor, Greater Mount Zion Baptist Church, Austin.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business in the district:

Tillery on motion of Telford.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 5).

CAPITOL PHYSICIAN

The speaker recognized Representative P. King who presented Dr. Mark C. Eidson of Weatherford as the "Doctor for the Day."

The house welcomed Dr. Eidson and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

HR 168 - ADOPTED**(by Thompson)**

Representative Thompson moved to suspend all necessary rules to take up and consider at this time **HR 168**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 168, Commending the Married Ladies Social, Art & Charity Club of America, Inc.

HR 168 was adopted without objection.

HR 147 - ADOPTED**(by Telford)**

Representative Telford moved to suspend all necessary rules to take up and consider at this time **HR 147**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 147, Recognizing January 31, 2001, as Texas State Teachers Association Day at the State Capitol.

HR 147 was read and was adopted without objection.

On motion of Representative Swinford, the names of all the members of the house were added to **HR 147** as signers thereof.

HR 136 - ADOPTED**(by Telford)**

Representative Telford moved to suspend all necessary rules to take up and consider at this time **HR 136**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 136, In memory of Wilbur Arthur Smith of Texarkana.

HR 136 was unanimously adopted by a rising vote.

HR 67 - ADOPTED**(by T. King and Raymond)**

Representative T. King moved to suspend all necessary rules to take up and consider at this time **HR 67**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 67, In honor of George Washington and the 104th observance of the Washington's Birthday Celebration in Laredo.

(T. King in the chair)

HR 67 was read and was adopted without objection.

On motion of Representative Hunter, the names of all the members of the house were added to **HR 67** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Raymond, who introduced Nancy Blair, president of Washington's Birthday Celebration Association; Betty Flores, mayor of Laredo; John McKeown, portraying George Washington; Annabelle Uribe Hall, portraying Martha Washington; Brenda K. Scherzer, portraying Princess Pocahontas; David C. Scherzer, portraying Princess Pocahontas' chief; Casey Ann Zuniga and Luis Emmanuel Guajardo, U.S. Abrazo children; Eduardo Fabian Cantu Lopez, Mexican Abrazo child; Evan James Quiros, president of The Republica del Rio Grande.

(Edwards in the chair)

(Speaker in the chair)

HR 161 - ADOPTED

(by Wise)

Representative Wise moved to suspend all necessary rules to take up and consider at this time **HR 161**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 161, Recognizing February 5-9, 2001, as Texas Financial Aid Awareness Week.

HR 161 was read and was adopted without objection.

HR 6 - ADOPTED

(by J. Jones, Y. Davis, and Hunter)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 6**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 6, Honoring the 2001 National Veterans Golden Age Games.

HR 6 was read and was adopted without objection.

INTRODUCTION OF GUESTS

The speaker recognized Representative Y. Davis, who introduced Mr. and Mrs. Larry Shaw, former city manager of Duncanville; Judy Richards, mayor pro tempore; Grady Smithy, councilmember; Jim Pyeatt, councilmember.

HR 7 - ADOPTED

(by J. Jones and Y. Davis)

Representative J. Jones moved to suspend all necessary rules to take up and consider at this time **HR 7**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 7, Honoring Larry Shaw for 33 years of municipal service.

HR 7 was adopted without objection.

**HR 150 - ADOPTED
(by Dukes)**

Representative Dukes moved to suspend all necessary rules to take up and consider at this time **HR 150**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 150, Recognizing the Austin Independent School District African American Heritage Committee as it celebrates African American Heritage Month in February 2001.

HR 150 was adopted without objection.

**HR 151 - ADOPTED
(by Dukes)**

Representative Dukes moved to suspend all necessary rules to take up and consider at this time **HR 151**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 151, Honoring the Reverend B. J. E. McQueen of Austin for his outstanding service to the members of St. Stephens Missionary Baptist Church.

HR 151 was adopted without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Elections, 2 p.m. today, E2.016, for a public hearing, to consider a report by the secretary of state on the comparison between Florida and Texas election laws.

(Kitchen in the chair)

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES
RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

ADJOURNMENT

Representative Naishtat moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed without objection.

The house accordingly, at 11:10 a.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 451 (By Talton), Relating to an employee of a personal bond office administering oaths to or taking an acknowledgment or proof of a written instrument from personal bond applicants.

To Criminal Jurisprudence.

HB 452 (By Talton), Relating to the operation of certain programs by, and the imposition of certain fees and costs for, personal bond offices.

To Criminal Jurisprudence.

HB 453 (By Swinford, McReynolds, B. Turner, Cook, and Hardcastle), Relating to the creation of the Agriculture Policy Board.

To Agriculture & Livestock.

HB 454 (By Driver), Relating to the issuance of a driver's instruction permit by the Department of Public Safety or a driver education school.

To Public Safety.

HB 455 (By Goolsby), Relating to the training required for a health care professional to safely perform spinal manipulation; providing a criminal penalty.

To Public Health.

HB 456 (By Maxey), Relating to exemption from nursing license requirements for certain services provided to persons with disabilities.

To Public Health.

HB 457 (By Clark), Relating to the computation of dropout rates for purposes of public school accountability.

To Public Education.

HB 458 (By Pitts), Relating to the period during which a justice, municipal, or juvenile court may defer proceedings against certain persons for purposes of attending a teen court program.

To Juvenile Justice & Family Issues.

HB 459 (By Carter), Relating to higher education tuition and fee exemptions for children of dead or disabled firemen and peace officers.

To Higher Education.

HB 460 (By Hartnett, et al.), Relating to the penalty for the offense of prostitution.

To Criminal Jurisprudence.

HB 461 (By Crownover), Relating to imposing a recreational facility fee at the University of North Texas.

To Higher Education.

HB 462 (By Crownover), Relating to the authority of the board of regents of the University of North Texas to levy student fees for medical services.

To Higher Education.

HB 463 (By Garcia), Relating to mandatory workers' compensation insurance coverage for certain employees; providing penalties.

To Business & Industry.

HB 464 (By Longoria), Relating to eligibility for service retirement from the Judicial Retirement System of Texas Plan One or the Judicial Retirement System of Texas Plan Two.

To Pensions & Investments.

HB 465 (By Longoria), Relating to a suit for a legal separation in a marriage.

To Juvenile Justice & Family Issues.

HB 466 (By Solomons), Relating to issuance of a driver's license to a minor.

To Public Safety.

HB 467 (By Solomons), Relating to the authority of the board of regents of Texas Woman's University to levy student fees for medical services.

To Higher Education.

HB 468 (By Solomons and Heflin), Relating to the transportation of and certain ad valorem tax liens on manufactured homes; providing a penalty.

To Ways & Means.

HB 469 (By Solomons, Crownover, and Denny), Relating to the creation of the County Court at Law No. 2 of Denton County and to the jurisdiction of and certain procedure in that court.

To Judicial Affairs.

HB 470 (By Solomons), Relating to requiring confirmation of a hotel reservation.

To Business & Industry.

HB 471 (By Averitt, et al.), Relating to insurance agent commissions paid by small employer carriers.

To Insurance.

HB 472 (By Solomons, Danburg, Woolley, et al.), Relating to the regulation of telemarketing; providing penalties.

To Business & Industry.

HB 473 (By B. Turner, Keffer, Hardcastle, Counts, and Keel), Relating to the penalty for certain offenses relating to anhydrous ammonia.

To Agriculture & Livestock.

HB 474 (By Naishtat), Relating to eligibility recertification requirements for certain recipients of food stamps.

To Human Services.

HB 475 (By Naishtat), Relating to services and programs provided under and eligibility for temporary assistance for needy families and for food stamps.
To Human Services.

HB 476 (By Naishtat), Relating to incentive programs and employment services to benefit certain recipients of financial assistance.
To Economic Development.

HB 477 (By Naishtat), Relating to the establishment of an interagency plan for coordinating case management services for certain recipients of financial assistance.
To Human Services.

HB 478 (By Naishtat), Relating to identifying and addressing the needs of certain recipients of financial assistance and dependent children of recipients of financial assistance.
To Human Services.

HB 479 (By Naishtat), Relating to providing dental services to certain recipients of medical assistance.
To Human Services.

HB 480 (By Naishtat), Relating to establishing a temporary nursing facility license.
To Human Services.

HB 481 (By Naishtat), Relating to amelioration of convalescent and nursing home violations; waiving right to hearing.
To Human Services.

HB 482 (By Naishtat), Relating to protecting from retaliation certain persons who have filed claims of abuse or neglect against nursing homes or intermediate care facilities.
To Human Services.

HB 483 (By Naishtat), Relating to the removal from the statutes of certain antiquated or unnecessary words referring to incapacitated persons.
To Human Services.

HB 484 (By Craddick), Relating to emergency response preparations for pipeline transportation of hazardous liquids, carbon dioxide, or natural gas.
To Energy Resources.

HB 485 (By Craddick), Relating to the composition of the 83rd Judicial District and to the election of the district attorney for that district.
To Judicial Affairs.

HB 486 (By Berman), Relating to the authority of the City of Tyler to implement a photographic traffic-control system; providing for imposition of a civil penalty.
To Public Safety.

HB 487 (By Hope), Relating to the civil consequences of operating a watercraft or a motor vehicle while intoxicated.
To Criminal Jurisprudence.

HB 488 (By Hunter), Relating to the colleges and universities eligible to participate in the tuition equalization grant program.

To Higher Education.

HB 489 (By Pickett), Relating to the definition of a junked vehicle under the public nuisance law.

To County Affairs.

HB 490 (By Heflin), Relating to procedural and technical corrections of the Texas Property Tax Code, with respect to multiple appraisals of a property, notices of delinquency, penalties and interest on deferred taxes, additional penalty on delinquent taxes against property that escaped taxation in previous years, definitions of personal property subject to seizure, notices of sale of seized personal property and real property, excess proceeds of tax sales, costs and expenses incurred in delinquent tax suits, post judgment taxes, vacating void tax judgments and tax sales, costs of tax sale, remedies of purchaser at void tax sale, redemptions, and reenactment of duplicate or overlapping provisions in the Tax Code.

To Ways & Means.

HB 491 (By Kitchen and Menendez), Relating to a financial award for classroom teachers who are certified by the National Board for Professional Teaching Standards.

To Public Education.

HB 492 (By Pickett), Relating to historical reenactments on premises permitted or licensed under the Alcoholic Beverage Code.

To Licensing & Administrative Procedures.

HB 493 (By Haggerty), Relating to exempting from Chapter 39 of the Business and Commerce Code certain transactions involving real property.

To Business & Industry.

HB 494 (By McClendon), Relating to the authority of certain municipalities to use economic development funds to provide educational and job training opportunities.

To Economic Development.

HB 495 (By Smith), Relating to the definition of an antique vehicle under the junked vehicle public nuisance law.

To County Affairs.

HB 496 (By Chisum, D. Jones, Telford, Howard, Counts, et al.), Relating to the recognition of a same-sex marriage or civil union.

To State Affairs.

HB 497 (By Chisum), Relating to the application of the professional prosecutors law to the district attorney for the 31st Judicial District.

To Judicial Affairs.

HB 498 (By Chisum), Relating to credit in the Employees Retirement System of Texas for service as a peace officer.

To Pensions & Investments.

HB 499 (By Swinford, McReynolds, B. Turner, Cook, and Hardcastle),
Relating to agricultural policy for the state.
To Agriculture & Livestock.

HB 500 (By Grusendorf and Hope), Relating to public education.
To Public Education.

HB 501 (By Carter), Relating to the board of managers and the budget
of certain 9-1-1 service districts.
To Urban Affairs.

HB 502 (By Carter, et al.), Relating to executory contracts for the
conveyance of real property.
To Business & Industry.

HB 503 (By Pickett), Relating to allowing a sheriff or deputy sheriff to
enforce commercial motor vehicle safety standards.
To Public Safety.

HB 504 (By Keel and Eiland), Relating to the punishment for the offense
of burglary of a vehicle.
To Criminal Jurisprudence.

HB 505 (By Keel), Relating to allowing peace officers to arrest or detain
persons who violate conditions of community supervision, parole, or mandatory
supervision.
To Criminal Jurisprudence.

HB 506 (By Smith), Relating to the transfer of a limitation on school
district ad valorem taxes on the residence homestead of the surviving spouse
of an elderly person to a subsequent homestead.
To Public Education.

HB 507 (By Allen), Relating to the issuance by the Texas Department of
Public Safety of special permits authorizing concealed handgun license holders
and other individuals to carry weapons in certain restricted areas.
To Public Safety.

HB 508 (By Allen), Relating to the penalty for certain offenses committed
for remuneration, for obstruction or retaliation, or in violation of a protective
order.
To Criminal Jurisprudence.

HB 509 (By Allen, et al.), Relating to the death of or injury to an unborn
child; providing penalties.
To State Affairs.

HB 510 (By Olivo, et al.), Relating to the forfeiture of property used in
the commission of certain offenses involving children.
To Criminal Jurisprudence.

HB 511 (By Keel and Hinojosa), Relating to making arrest warrants and
certain affidavits made in support of the issuance of arrest warrants available
for public inspection.
To Criminal Jurisprudence.

HB 512 (By Keel and Hinojosa), Relating to the release on personal bond of certain persons arrested without a warrant.

To Criminal Jurisprudence.

HB 513 (By Keel, Hinojosa, Hupp, et al.), Relating to the medical use of marihuana.

To Criminal Jurisprudence.

HB 514 (By Hinojosa, Keel, and Najera), Relating to a defense to certain gambling-related offenses for gaming activity conducted by an Indian tribe.

To Criminal Jurisprudence.

HB 515 (By Wise, Uresti, Noriega, B. Turner, Hupp, et al.), Relating to establishing a permanent fund for certain veterans' care purposes.

To Appropriations.

HB 516 (By B. Turner), Relating to participation of cities and counties in the National Flood Insurance Program.

To Land & Resource Management.

HB 517 (By B. Turner), Relating to testing natural gas piping in certain school facilities.

To Energy Resources.

HB 518 (By Grusendorf), Relating to requiring hepatitis A vaccines for food service employees.

To Public Health.

HB 519 (By Gallego), Relating to the compensation to victims of family violence or sexual assault for relocation and housing rental expenses.

To Criminal Jurisprudence.

HB 520 (By Gallego), Relating to compensation for persons wrongfully imprisoned or sentenced to death.

To Civil Practices.

HB 521 (By Gallego), Relating to the donation of certain property and equipment of the Maverick County Hospital District.

To County Affairs.

HB 522 (By Tillery, et al.), Relating to benefits for certain disabled peace officers.

To Criminal Jurisprudence.

HB 523 (By Tillery), Relating to a statewide group insurance program for school district employees and retirees.

To Teacher Health Insurance, Select.

HB 524 (By Bailey), Relating to the provision of water and sewer service in populous counties; providing a penalty.

To Natural Resources.

HB 525 (By Bailey), Relating to the continuation of and to the grant-making authority of the On-site Wastewater Treatment Research Council.

To Environmental Regulation.

HB 526 (By Bailey), Relating to the selection of presidential electors.
To Elections.

HB 527 (By Bailey), Relating to the enforcement of vehicle weight limitations at a weigh station.
To Transportation.

HB 528 (By Bailey), Relating to the tuition charged certain foreign students attending a public junior college.
To Higher Education.

HB 529 (By Bailey), Relating to the creation of the Aldine Community Improvement District; providing authority to impose a tax and issue bonds.
To County Affairs.

HB 530 (By Wise), Relating to a prohibition of certain underwriting decisions based on credit reports; providing a penalty.
To Insurance.

HB 531 (By Wise), Relating to license reciprocity for out of state insurance adjusters who provide services following a catastrophe or emergency.
To Insurance.

HB 532 (By Wohlgemuth), Relating to the creation of a judicial district composed of Johnson and Somervell counties.
To Judicial Affairs.

HB 533 (By Thompson), Relating to the wages paid to certain employees.
To Economic Development.

HB 534 (By Thompson), Relating to the jurisdiction, powers, and duties of an assigned statutory probate court judge.
To Judicial Affairs.

HB 535 (By Thompson), Relating to recording information concerning appointment of certain visiting judges.
To Judicial Affairs.

HB 536 (By Thompson), Relating to the jurisdiction of a statutory probate court and other courts of record in certain matters.
To Judicial Affairs.

HB 537 (By Thompson), Relating to the transfer of certain causes of action by a statutory probate court.
To Judicial Affairs.

HB 538 (By Thompson), Relating to jurisdiction of statutory probate courts.
To Judicial Affairs.

HB 539 (By Thompson), Relating to arts, entertainment, advertisement, and sports contracts entered into by minors.
To Judicial Affairs.

HB 540 (By Shields), Relating to collateral protection insurance.
To Financial Institutions.

HB 541 (By Junell), Relating to disposition of military awards and decorations escheated to the state.

To State, Federal & International Relations.

HB 542 (By Junell), Relating to the creation of an offense prohibiting the covert photography or visual recording of another for an improper sexual purpose.

To Criminal Jurisprudence.

HB 543 (By Deshotel), Relating to the composition of the First, Ninth, and Fourteenth courts of appeals districts.

To Judicial Affairs.

HB 544 (By Williams), Relating to special Texas constable license plates.

To Transportation.

HB 545 (By Nixon), Relating to state liability for certain conduct of juvenile board members.

To Civil Practices.

HB 546 (By Noriega), Relating to judicial training in ethnic and racial sensitivity.

To Judicial Affairs.

HB 547 (By Noriega), Relating to the languages in which the Department of Public Safety provides certain public notice regarding sex offenders.

To Public Safety.

HB 548 (By Keffer), Relating to the conduct of the business of certain surety companies.

To Insurance.

HB 549 (By Nixon), Relating to a landlord's duty to mitigate damages under certain circumstances.

To Business & Industry.

HB 550 (By Mowery), Relating to a prohibition on ad valorem tax abatement agreements covering certain property located in air quality nonattainment areas.

To Ways & Means.

HCR 94 (By Elkins), Encouraging local public and private school districts to develop and implement character and values education programs.

To Public Education.

HCR 96 (By Farabee), Honoring Dr. Louis J. Rodriguez of Wichita Falls on the occasion of his retirement as president of Midwestern State University.

To Rules & Resolutions.

HJR 28 (By Green), Proposing a constitutional amendment to authorize the ad valorem taxation of property owned by a municipality in certain circumstances.

To Ways & Means.

HR 141 (By Seaman), Recognizing the Texas Sand Sculpture Festival as the official Texas Sand Sculpture Festival.

To State, Federal & International Relations.

HR 154 (By Yarbrough), Honoring Jonathan James Hubbard of Houston for achieving the rank of Eagle Scout.
To Rules & Resolutions.

HR 158 (By Counts), Honoring Peggy Maddox on being named Region 14 Teacher of the Year by the Texas Association for the Gifted and Talented.
To Rules & Resolutions.

HR 159 (By Green), Recognizing February 12, 2001, as Texas Federation of College Republicans Legislative Day at the State Capitol.
To Rules & Resolutions.

HR 160 (By Tillery), Honoring the members of AMVETS Post 23 of Dallas for their outstanding community involvement and support.
To Rules & Resolutions.

HR 162 (By Farabee), In honor of the 2000 Wichita Falls High School football team's outstanding season.
To Rules & Resolutions.

HR 163 (By Farabee), In honor of the United Regional Health Care System's continued efforts to enroll eligible families in CHIP.
To Rules & Resolutions.

HR 164 (By Farabee), In honor of the Wichita Falls Independent School District's ongoing efforts to enroll qualified children in the Children's Health Insurance Program.
To Rules & Resolutions.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 5

HCR 30

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